UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD PANEL

In the Matter of
Luminant Generation Company, LLC **Docket Nos. 52-034 and 52-035**
Comanche Peak Nuclear Power Plant
Units 3 and 4
Combined License Adjudication

Petitioners' Motion to Amend the July 1,2009 Protective Order to Authorize Sensitive Unclassified Non-Safeguards Information (SUNSI) Access to Edwin Lyman, Ph.D.

Petitioners hereby move this Atomic Safety and Licensing Board Panel to authorize Edwin Lyman, Ph.D. to have access to the SUNSI documentation covered by the Panel's July 1, 2009, Protective Order Governing the Disclosure of Protected Material. In support of this motion the following is stated:

1. Counsel for the Nuclear Regulatory Commission Staff, James Biggins, has been consulted regarding this motion and he does not object thereto.

2. Counsel for the Applicant, Steve Frantz, has been contacted by email regarding the proposed access to the subject SUNSI material by Dr. Lyman but no response has been received to date.

3. Dr. Lyman is an expert witness/consultant for the Petitioners regarding issues related to matters that relate to 10 C.F.R. 50.54(hh). Dr. Lyman's access to the subject SUNSI documentation is necessary in order to assist the Petitioners' analysis of the Applicant's submittal(s) that purport to demonstrate compliance with the requirements of 10 C.F.R. 50.54(hh) and case preparation.

4. Pursuant to paragraph nine of the subject July 1, 2009 Protective Order, Petitioners may seek to authorize additional individuals to receive protected information, consistent with the terms and conditions set forth in the Protective Order, to assist in case preparation.

5. If this motion is sustained Dr. Lyman will execute the nondisclosure affidavit as a condition to access to the SUNSI materials.

WHEREFORE, Petitioners move this Panel for an Order authorizing SUNSI access to Edwin Lyman, Ph.D. as set forth above.

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July 10, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2009 a copy of "Petitioners' Motion to Amend the July 1,2009 Protective Order to Authorize Sensitive Unclassified Non-Safeguards Information (SUNSI) Access to Edwin Lyman, Ph.D." was served by the Electronic Information Exchange on the following recipients:

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